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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,380	12/28/2000	James B. Loveland	7927.132	6359
21999	7590	10/15/2003	EXAMINER	
KIRTON AND MCCONKIE 1800 EAGLE GATE TOWER 60 EAST SOUTH TEMPLE P O BOX 45120 SALT LAKE CITY, UT 84145-0120			MEINECKE DIAZ, SUSANNA M	
		ART UNIT	PAPER NUMBER	
		3623	14	
DATE MAILED: 10/15/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/750,380	LOVELAND, JAMES B.
Examiner	Art Unit	
Susanna M. Diaz	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 11 August 2003.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,2,4-7,10,13-15,17,18,21,22,24 and 25 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,2,4-7,10,13-15,17,18,21,22,24 and 25 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 11, 2003 has been entered.

Claims 1, 2, 4, 5, 10, 15, 18, 22, and 25 have been amended.

Claims 3, 8, 9, 11, 12, 16, 19, 20, 23, and 26-32 are cancelled.

Claims 1, 2, 4-7, 10, 13-15, 17, 18, 21, 22, 24, and 25 are pending.

2. The previously pending claim objection is withdrawn in response to Applicant's claim amendment.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1, 2, 4-7, 10, 13-15, 17, 18, 21, 22, 24, and 25 have been considered but are moot in view of the new ground(s) of rejection. Please note that the Examiner does not concede that the specifically recited data merits patentable weight (for the reasons presented in the previously pending art rejections); however, in the interest of furthering prosecution, the Examiner presents a new art rejection in which the specifically recited data is accorded weight. If the claims are ever

deemed to be allowable (under the assumption that all data is accorded patentable weight), the Examiner reserves the right to indicate allowable subject matter contingent on the ability to work out claim language which would clearly impart patentable weight to the recited data. In other words, Examiner maintains the position that the specific data must be utilized to perform an action (e.g., a calculation, determination, etc.) requiring the use of that specific type of data in order to be accorded patentable weight.

New objections and rejections are presented below.

#### ***Claim Objections***

4. Claim 21 is objected to because of the following informality:

Claim 21, line 1, delete “said electronic links”, insert --said at least one electronic link--

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1, 2, 4-7, 10, 13, 14, 18, and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 8: It is not clear how data structures *per se* can comprise “a user interface.”

Claim 18, lines 2-3: How can a carrier signal "carry" data structures over a network? It seems more accurate to say that the data retrieved from the data structure is carried over the network by the carrier signal.

It is not clear if claim 25 is directed toward a computer program product or a data structure *per se*. Furthermore, it is not clear how data structures *per se* can comprise a user interface (see line 4).

Claims 2, 4-7, 10, 13, and 14 are dependent from claim 1 and therefore inherit the same rejection under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph.

Appropriate correction and/or clarification is required.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 2, 4-7, 10, 13-15, 17, 18, 21, 22, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeWolf et al. (US 2002/0032626 A1) in view of Brown (U.S. Patent No. 5,794,216).

DeWolf discloses an electronic model and data storage system for storing, maintaining and retrieving information relating to an architectural structure, said system comprising:

[Claim 1] a computer device (Fig. 1) comprising:

a processor (Fig. 1); and

a memory device storing executable and associated operational data structures for processing by the processor (Fig. 1), the data structures comprising:

a user interface (¶¶ 153-157, 166, 178-182);

a physically accurate electronic model of said architectural structure that graphically and accurately depicts dimensional characteristics of said architectural structure as well as contents of said architectural structure, displayable by said user interface (¶¶ 153-157, 166, 178-182); and

means to provide selective access to information pertaining to said dimensional characteristics and to said contents,

wherein said information is accessible via a computer network by a user according to access rights corresponding to said user (¶¶ 72, 75, 94, 153-160, 166);

[Claim 4] wherein said information comprises information relating to insurance coverage on at least one of (i) said structure and (ii) said contents (¶¶ 153-157, 166, 178-182);

[Claim 5] wherein said information comprises information relating to warranties on at least one of (i) components of said architectural structure and (ii) said contents (¶¶ 153-157, 166, 178-182);

[Claim 6] wherein said system corresponds to a centralized master database (Fig. 1; ¶¶ 153-157, 166, 178-182);

[Claim 10] wherein said information is represented as textual information in said electronic model (¶¶ 153-157, 166, 178-182);

[Claim 13] wherein said system is interactive (¶¶ 153-157, 166, 178-182);

[Claim 14] wherein said system is configured to selectively access outside information from one or more outside information sources (¶¶ 72, 75, 94, 153-160, 166).

Regarding claims 1 and 7, DeWolf teaches the display of an electronic model (e.g., blueprints, as disclosed in ¶ 157) to a user, yet DeWolf does not explicitly disclose that the electronic model is integrated with electronic links (claim 1), such as selectable icons (claim 7), that allow a user to select items for which data is to be accessed; however, Brown makes up for this deficiency in his teaching of the display of an electronic model of a house which allows a user to select icons corresponding to different aspects of the house, such as floor plans, alternate views, and textual descriptions of the house (col. 6, lines 7-27; col. 71, line 62 through col. 8, line 5; col. 8, lines 37-52). Brown explicitly states, "By compiling the various types of multimedia information into a single database format, embodiments of the present invention are advantageous over the prior art with regard to ease of management and ease of

communication of the multimedia information" (col. 2, lines 32-36). DeWolf too shares this same goal (see at least ¶ 7); therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement Brown's access to database elements via items being represented as selectable elements, such as electronic links in the form of icons, with DeWolf's global asset information registry in order to reap the benefits of Brown's "ease of management and ease of communication of the multimedia information," thereby further enhancing DeWolf's ability to achieve this commonly established goal.

As per claim 2, DeWolf discloses the display of at least a two dimensional model of an architectural structure (¶ 157 -- e.g., blueprints), yet DeWolf fails to expressly teach the display of an electronic model comprising a three dimensional model of an architectural structure. However, Official Notice is taken that it is old and well-known in the art to present architectural details in a three dimensional model. For example, when used to model a building, three dimensional models can provide a more enhanced view of the details of the building. Since DeWolf already teaches the display of a two dimensional model of a building, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to make an electronic model comprising a three dimensional model of an architectural structure available through DeWolf's global asset information registry in order to provide users with a more enhanced view of the details of an architectural structure of interest, such as a building.

DeWolf discloses a method for storing, retrieving and maintaining information related to an architectural structure on a data storage system, said method comprising the steps of:

[Claim 15] selectively displaying, to a user, an electronic model that graphically and accurately depicts dimensional characteristics and contents of said architectural structure (¶¶ 153-157, 166, 178-182); and

providing, to said user according to access rights corresponding to said user, selective access to information pertaining to said dimensional characteristics and to said contents (¶¶ 72, 75, 94, 153-160, 166);

[Claim 17] further comprising a step of notifying a user of accessed information (¶ 182);

[Claim 18] further comprising transmitting over a network, a carrier signal carrying data structures corresponding to said electronic model (¶¶ 153-157, 166, 178-182);

[Claim 22] further comprising a step of selectively updating said information (¶¶ 72, 75, 94, 153-160, 166);

[Claim 24] further comprising a step of selectively accessing information from an outside source (¶¶ 72, 75, 94, 153-160, 166).

Regarding claims 15 and 21, DeWolf teaches the display of an electronic model (e.g., blueprints, as disclosed in ¶ 157) to a user, yet DeWolf does not explicitly disclose that the electronic model is integrated with electronic links (claim 15), such as selectable icons (claim 21), that allow a user to select items for which data is to be accessed; however, Brown makes up for this deficiency in his teaching of the display of an electronic model of a house which allows a user to select icons corresponding to different aspects of the house, such as floor plans, alternate views, and textual descriptions of the house (col. 6, lines 7-27; col. 71, line 62 through col. 8, line 5; col. 8, lines 37-52). Brown explicitly states, "By compiling the various types of multimedia information into a single database format, embodiments of the present invention are advantageous over the prior art with regard to ease of management and ease of communication of the multimedia information" (col. 2, lines 32-36). DeWolf too shares this same goal (see at least ¶ 7); therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement Brown's access to database elements via items being represented as selectable elements, such as electronic links in the form of icons, with DeWolf's global asset information registry in order to reap the benefits of Brown's "ease of management and ease of communication of the multimedia information," thereby further enhancing DeWolf's ability to achieve this commonly established goal.

DeWolf discloses a computer-readable medium containing executable and associated operational data structures, said data structures comprising:

[Claim 25] a user interface (¶¶ 153-157, 166, 178-182);

a physically accurate electronic model that graphically and accurately depicts dimensional characteristics and contents of said architectural structure, displayable by said user interface (¶¶ 153-157, 166, 178-182); and

information displayable by said user interface to provide selective access to information pertaining to said dimensional characteristics and to said contents, wherein said information is accessible via a computer network by a user according to access rights corresponding to said user (¶¶ 72, 75, 94, 153-160, 166).

Regarding claim 25, DeWolf teaches the display of an electronic model (e.g., blueprints, as disclosed in ¶ 157) to a user, yet DeWolf does not explicitly disclose that the electronic model is integrated with electronic links (claim 25), such as selectable icons, that allow a user to select items for which data is to be accessed; however, Brown makes up for this deficiency in his teaching of the display of an electronic model of a house which allows a user to select icons corresponding to different aspects of the house, such as floor plans, alternate views, and textual descriptions of the house (col. 6, lines 7-27; col. 71, line 62 through col. 8, line 5; col. 8, lines 37-52). Brown explicitly states, "By compiling the various types of multimedia information into a single database format, embodiments of the present invention are advantageous over the prior art with regard to ease of management and ease of communication of the multimedia information" (col. 2, lines 32-36). DeWolf too shares this same goal (see at least ¶ 7);

therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement Brown's access to database elements via items being represented as selectable elements, such as electronic links in the form of icons, with DeWolf's global asset information registry in order to reap the benefits of Brown's "ease of management and ease of communication of the multimedia information," thereby further enhancing DeWolf's ability to achieve this commonly established goal.

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703)308-1113.

Any response to this action should be mailed to:

**Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450**

or faxed to:

**(703)305-7687 [Official communications; including**

After Final communications labeled  
"Box AF"]

**(703)746-7048** [Informal/Draft communications, labeled  
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal  
Drive, Arlington, VA, 22202, 7<sup>th</sup> floor receptionist.

*Susanna Diaz*  
Susanna M. Diaz  
Primary Examiner  
Art Unit 3623  
October 11, 2003